

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 16, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, January 16, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, and James S. Burgett.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. William C. Parker, Public Information Officer, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed Mrs. Elizabeth Rogers as the newest member appointed to the York County Library Board, and he presented her with a Boards and Commissions Handbook and York County pin.

NEW BUSINESS

APPOINTMENT OF INTERIM COUNTY ADMINISTRATOR

Chairman Burgett explained that the Board planned a nation-wide search for a new County Administrator, but in the meantime they felt very fortunate to have Mr. McReynolds fill the position.

Mrs. Noll moved the adoption of proposed Resolution R01-9 that reads:

A RESOLUTION TO APPOINT AN INTERIM COUNTY ADMINISTRATOR PURSUANT TO SECTION 15.2-1540 OF THE CODE OF VIRGINIA AND TO CONFER UPON THE APPOINTEE THE POWERS AND DUTIES PROVIDED BY LAW

WHEREAS, the position of County Administrator was vacated on January 15, 2001, by the resignation of Daniel M. Stuck; and

WHEREAS, it is imperative that the position of County Administrator be filled on an interim basis to assure continued performance of the duties provided by law, including especially those set forth in Section 15.2-1541 of the Code of Virginia as amended, in order to maintain order and continuity of administration;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of January, 2001, that James O. McReynolds be, and is hereby, appointed to the position of Interim County Administrator for York County pursuant to Section 15.2-1540 of the Code of Virginia with such appointment to be effective on January 16, 2001.

BE IT FURTHER RESOLVED that upon assuming the duties as Interim County Administrator, Mr. McReynolds shall take the oath of office as set forth in Section 49-1 of the Code of Virginia and shall give bond before the Clerk of the Circuit Court of York County with surety approved by such Clerk in the amount of \$2,000. The premium for said bond shall be paid by the Board of Supervisors out of the General Fund.

BE IT STILL FURTHER RESOLVED that upon appointment as Interim County Administrator of York County, Mr. McReynolds be, and is hereby, authorized to perform any and all of those duties of the County Administrator as described in Section 15.2-1541 and other sections of the Code of Virginia, as amended, and as prescribed in the policies and ordinances of York County, and otherwise as may be directed by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Mr. McReynolds expressed his appreciation for the appointment, stating he felt it was an honor and privilege to work with the Board in this capacity. He stated he looked forward to working with the Board and staff to maintain the many successes of the County.

CITIZENS COMMENT PERIOD

Mr. James A. Vaughn, 512 Wildey Road, Vice President of Classic Charters, Inc., indicated he had purchased the previous Wildey Marina, and he spoke of the problem he was having with boat traffic in the river not adhering to the no wake regulations and the lack of adequate signage on which the courts could issue summonses. Mr. Vaughn also spoke about the amount of traffic on and condition of Wildey Road. He stated he was putting in a great deal of money to upgrade the marina, and he asked the Board to consider doing something about this matter by bringing it to the attention of VDOT.

Mr. Tom Shepperd, 134 Stone Lake Court, thanked everyone who wrote to the Board of Supervisors on his behalf concerning his candidacy for the District 5 Supervisor's position. He then discussed his qualifications for the position, including his previous military experience and civic involvement. He spoke of the issues he felt would face the County in the future as well as those affecting the County today.

Mrs. Janice Farley, 205 Terry's Run, spoke of her experience as a career volunteer and her over 20 years in the County. She stated she understands the needs of the people in the community, and spoke of her tenure on the Library Board and the growth of the library system in the County over the past several years. She indicated the County needed to work with VDOT

to improve the road system and its ditches, and there was a need to provide customer service and community relations with the residents. Mrs. Farley noted that York County has excellent schools and a strong budget. She stated she would fill a area not currently represented on the Board since she has a child in the school system.

Mr. H. R. Ashe, 307 Shackelford Road, asked for the Board's support for the appointment to the District 5 Supervisor's position. He spoke of his involvement in the community over the past 28 years, stating he has a lot of experience working with numerous community projects. He stated he feels he has an understanding of the intricacies of the County's Zoning Ordinance which should be a valuable asset to the Board. Mr. Ashe stated York is a beautiful county, and the quality of life is superior and needs to be continued.

Mr. Bill Townsley, 200 Freeman's Trace, requested the Board's appointment to the District 5 Supervisor's position. He stated he has been involved in York County and is currently a substitute teacher in the York County school system. If appointed, Mr. Townsley stated he was not sure if he would run for the seat in November, but he would give it his best for the remainder of the year. He stated this was a very difficult decision for the Board, and he indicated he had the time to dedicate to the needs of the County.

Mr. Robert Bazzani, 121 Shirley Drive, stated he was a long-time resident of the County, and he has seen the County grow since 1966. He indicated he was a true product of the County, stating he attended the County's school system and was a prime example of a person who knows the County. He stated he felt he was best qualified for the position, and he would run again in November if selected. Mr. Bazzani asked the Board members for their support.

HIGHWAY MATTERS

Mr. John Massur, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He indicated he had nothing new to share with the Board, but would respond to issues brought up at the last meeting. He stated he forwarded traffic concerns to the District Office regarding speed signs and issues brought up by Mr. Wiggins. He also noted the Department would take a look at what might be done about Wildey Road.

Mr. Wiggins indicated one of the members of the Transportation Safety Commission met with him and brought with him a pile of signs he had collected from telephone poles. He asked if VDOT could do anything about taking these signs down.

Mr. Massur stated if anyone knows where there are such signs, they should contact VDOT's Maintenance headquarters or the Residency to have them taken down. VDOT is the only authorized agency to remove signs in the rights-of-way unless an organization has adopted a particular roadway to maintain. Mr. Massur stated the Department would look into who was putting the signs up.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett addressed the issue of no wake zones, indicating there was a statute that allowed individuals wanting no wake signs to request them by application to the Board of Supervisors. The Board then would forward the application to the Department of Game and Inland Fisheries with a recommendation. He noted the application for Mr. Vaughn's application has been cir-

culated for staff comment, and he was hoping to have the matter on the Board's next Regular Meeting agenda. Mr. Barnett then addressed the General Assembly session, stating he had received a 15-inch stack of documents to review. He then reviewed several of the bills regarding taxing authority, land condemnations, procurement, septic tank pump-outs, impact fees for developers, and transportation. Mr. Barnett next provided the Board with an update on the York Town Trustees agreement, reminding the Board members that they have spent nearly 1 ½ years trying to enter into a new agreement to allow the County to develop the waterfront consistent with the Yorktown Master Plan. He stated at the present time there is a 3:2 split among the Trustees, and the two opposed are threatening to go to court if the agreement is signed. Mr. Barnett then apprised the Board that the Williamsburg City Council was looking into the possibility of annexing approximately 3,000 acres of property owned by the City in York County. Although the County was declared immune from annexation from cities, and the General Assembly imposed a moratorium on city annexations, the moratorium may not prevent an owner of land to annex property. The property in question is owned by the City and for the most part surrounds the Waller Mill Reservoir, and most or all of the property is undevelopable. Mr. Barnett expressed his intent to solicit assistance in this matter from Delegate Rapp, VACo, and VML.

Discussion followed regarding the bill before the General Assembly aimed at giving counties the same taxing authority as cities and towns.

Mr. Zaremba indicated for the last nine months there had been a major effort on the part of the cities to convince the General Assembly and the Governor to share in the income tax structure of the state, and he asked if any bills had come in on that subject.

Mr. Barnett indicated there had not been any such bill received, although it has been discussed among local governments.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds indicated that in its materials this evening the Board had received the proposed Capital Improvements Program (CIP) for 2002-2007, and he explained the process to be followed for the FY2002 budget season. He noted that budget requests from staff were due to Financial and Management Services on November 17, 2000, and the work session next week on the proposed CIP would be the first on the FY2002 budget. After a series of work sessions, a public forum, and a public hearing, the budget schedule plans adoption of the FY2002 budget on April 3, 2001.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll congratulated Mr. McReynolds and thanked him for taking the interim County Administrator position. She also expressed congratulations to Mr. Stuck, former County Administrator, on his new position as City Manager for the City of Portsmouth. She then thanked all residents of District 5 who took the time to contact the Board members regarding the applicants for the District 5 seat on the Board. She noted it was going to be a very difficult decision, but the candidates felt that the decision should be a unanimous one, and she would honor that wish.

Mr. Zaremba read excerpts from a May 22, 2000, Daily Press article regarding citizens being too dependent on real estate taxes. The article indicated that if tax exempt properties were

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eliminated, the localities could greatly reduce the real estate tax rate. He spoke of how the state has refused to commit to providing a share of the income or sales taxes back to the localities, yet it continues to require the localities to provide services without providing any additional funding to support the required services. Mr. Zaremba stated he shared this information as a warning to the citizens.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING

WATERLINE EASEMENT VACATION—COLONY DRIVE

Mr. Barnett made a presentation on proposed Resolution R01-2 to authorize the execution of a quitclaim deed conveying to the Commonwealth of Virginia the County's interest in a waterline easement located within the right-of-way of Colony Drive.

Chairman Burgett then called to order a public hearing on proposed Resolution R01-2 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A QUITCLAIM DEED CONVEYING TO THE COM-
MONWEALTH OF VIRGINIA THE COUNTY'S INTEREST IN A WA-
TERLINE EASEMENT LOCATED WITHIN THE RIGHT-OF-WAY OF
COLONY DRIVE

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

A brief discussion followed regarding Kings Gate Parkway now being Mooretown Road.

Mrs. Noll then moved the adoption of proposed Resolution R01-2 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A QUITCLAIM DEED CONVEYING TO THE COM-
MONWEALTH OF VIRGINIA THE COUNTY'S INTEREST IN A WA-
TERLINE EASEMENT LOCATED WITHIN THE RIGHT-OF-WAY OF
COLONY DRIVE

WHEREAS, the Board desires for the Virginia Department of Transportation (VDOT) to accept the right-of-way of Colony Drive for public maintenance as part of the State's system of highways; and

WHEREAS, in connection with such acceptance, VDOT has requested that the County quitclaim to VDOT a certain waterline easement lying within the right-of-way of Colony Drive, as such easement is recorded in Deed Book 579, page 566, among the land records of York County, such quitclaim to be subject, nonetheless, to the continued right of the County to maintain the waterline within Colony Drive; and

WHEREAS, this Board has determined, following the holding of a duly advertised public hearing, that such conveyance of the easement to VDOT benefits the public interests;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of January, 2001, that the Board authorizes the County Administrator to sign a deed of quitclaim conveying to VDOT the County's interest in the above-referenced waterline easement, subject to the continued right in the County to leave the waterline easement in place pursuant to a permit to be issued by VDOT, such deed to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD (Continued)

Mr. Wiggins spoke of the activities of the Drainage Committee, noting it is coming closer to bringing its results to the Board of Supervisors. At the last meeting of the committee, each member brought to the table a list of that district's priorities, and they were turned over to staff to further prioritize and set dollar amounts on the projects. At the next meeting the committee members will go over staff's proposal outline. Mr. Wiggins stated he hoped the results would be brought to the Board in February.

Chairman Burgett indicated he had visited the newly renovated library in Yorktown, and stated he felt the renovations were very well done. He then stated he had attended a joint meeting of the Workforce Investment Board and Consortium, and he explained that it was a group of elected leaders and business people making a concerted effort to provide training to people in many different skills, young and adult, with the use of available federal money. He stated a new facility was being constructed at Thomas Nelson Community College to serve many local jurisdictions, and it will provide individuals with opportunities to learn new skills needed for the future. Chairman Burgett then stated that the annexation proposal by Williamsburg had him very concerned, and he stated if the city pursues such action, it will not proceed easily. He questioned the city's reason for the annexation action, which was declared to be protecting the City's property interest, and stated he has directed staff to come up with a report on growth in York County which will be made available to the citizens in Citizen News.

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 2 be removed from the Consent Calendar.

Mr. McReynolds asked that proposed Resolution R01-12 to appoint James O. McReynolds to the Hampton Roads Planning District Commission be added to the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved, as amended, with the deletion of Item No. 2 and the addition of proposed Resolution R01-12.

On roll call the vote was:

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Yea: (5) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

Thereupon, the following resolution was adopted:

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION: Resolution R01-12. (Added to Consent Calendar)

A RESOLUTION TO APPOINT THE INTERIM CHIEF ADMINISTRATIVE OFFICER OF YORK COUNTY TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

WHEREAS, Daniel M. Stuck, York County Administrator, resigned his position effective January 15, 2001; and

WHEREAS, Mr. James O. McReynolds has been appointed to serve as Interim County Administrator;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of January, 2001, that James O. McReynolds, Interim County Administrator for the County of York, be and he is hereby appointed to the Hampton Roads Planning District Commission to fill the unexpired term of Daniel M. Stuck, such term to expire June 30, 2002, or at such time as a new full-time County Administrator is appointed.

Item No. 2. PUBLIC SEWER EXTENSION AGREEMENT—RUNNING MAN SECTION 9: Proposed Resolution R01-8. (Removed from Consent Calendar)

Mr. Zaremba stated the School Board projections for the next fiscal year shows only an increase of 12 students. He asked how the addition of 136 homes will affect that projection.

Mr. John Hudgins, Director of Environmental and Development Services, stated that the projected buildout of the development has been considered in making the projections; this is only one phase of the entire Running Man Subdivision.

Mr. Zaremba indicated he pulled the item from the Consent Calendar because the memorandum did not provide the Board with the information it needed regarding the impact on schools, public safety, etc. He asked that in the future these factors be included in the staff memorandum. He stated the Board needed an economic analysis on these extensions.

Mr. Zaremba then moved the adoption of proposed Resolution R01-8 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO THE PROPOSED DEVELOPMENT, RUNNING MAN SECTION 9, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Running Man Development Company 3, LLC, has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County

Code to serve 136 residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$255,000.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of January, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Running Man Section 9, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Running Man Development Company 3, LLC for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

NEW BUSINESS

APPROVAL OF 2000 MINUTES

Chairman Burgett polled the Board members to determine that the minutes of three sets of 2000 minutes listed on the agenda had been read by them. Having ascertained that the Board members had read the subject minutes, he asked for a motion to approve them and direct him to sign such.

Mr. Wiggins moved that the minutes of the following 2000 minutes be approved as submitted and that Chairman Burgett be directed to sign such:

December 4, 2000, Adjourned Meeting
December 5, 2000, Regular Meeting
December 19, 2000, Regular Meeting

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

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YORKTOWN VILLAGE ACTIVITY DISTRICT ACCESSORY STRUCTURE APPROVAL

Mr. J. Mark Carter, Assistant to the County Administrator, made a presentation explaining proposed Resolution R01-6 to approve a request of Marsha A. Brown for the reconstruction and expansion of an accessory garage on property located at 213 Nelson Street. He stated staff felt it was appropriate to allow the construction, and the adjacent property owner has no objections with the proposal.

Mrs. Noll moved the adoption of proposed Resolution R01-6 that reads:

A RESOLUTION TO APPROVE THE REQUEST OF MARSHA A. BROWN
FOR THE RECONSTRUCTION AND EXPANSION OF AN ACCESSORY
GARAGE ON PROPERTY LOCATED AT 213 NELSON STREET IN
YORKTOWN

WHEREAS, Marsha A. Brown has submitted an application requesting permission to reconstruct and expand an existing accessory garage on property located at 213 Nelson Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution if they involve an increase of less than 25% in lot coverage or floor area; and

WHEREAS, the proposed garage represents an expansion of less than 3% in lot coverage and its location and design are compatible with adjacent properties and structures.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of January, 2001, that the request of Marsha A. Brown for the reconstruction and expansion of an accessory garage on property located at 213 Nelson Street, as described in the County Administrator's report to the Board dated January 4, 2000, be, and it is hereby, approved.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 8:23 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to the appointment of a District 5 Supervisor; Section 2.1-344(a)(3) pertaining to the acquisition of property for a public purpose; and Section 2.1-344(a)(5) pertaining to a prospective business or industry where no previous announcement has been made.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 9:32 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Wiggins moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of January, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

APPOINTMENT OF A DISTRICT 5 SUPERVISOR

Mr. Zaremba moved the adoption of proposed Resolution R01-14 that reads:

A RESOLUTION TO APPOINT A SUPERVISOR PURSUANT TO THE
PROVISIONS OF THE CODE OF VIRGINIA TO REPRESENT ELEC-
TION DISTRICT 5 AND TO CONFER UPON SUCH PERSON THE
POWERS AND DUTIES PROVIDED BY LAW

WHEREAS, the position of Supervisor of Election District No. 5 was vacated on January 3, 2001, by the resignation of Melanie L. Rapp upon her recent election to the Virginia House of Delegates; and

WHEREAS, the Board of Supervisors has conducted a thorough search for a Supervisor who meets the Board's requirements in terms of demonstrated competence; and

WHEREAS, the Board has reviewed all applications to ascertain the most qualified person for the position;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of January, 2001, that H. R. Ashe be, and hereby is, appointed to the position of Supervisor to represent York County Election District 5 pursuant to Section 24.2-228 of the Code of Virginia, to serve until such time as a special election shall be held to fill the vacant position

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for the remainder of the unexpired term pursuant to Section 24.2-226 of the Code of Virginia, with such appointment to be effective upon the appointee taking the oath of office as set forth in Section 49-1 of the Code of Virginia.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

AUTHORITY TO PURCHASE PUBLIC PROPERTY

Mrs. Noll moved that the County Administrator be authorized to execute an agreement for the purchase of the property located at 115 Martiau Street in Yorktown.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Adjourned. At 9:38 p.m. Chairman Burgett declared the meeting adjourned to 6:30 p.m., Tuesday, January 23, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors